[Mr. Puliyoor T. P. Velayudhan Pillai.]

sanctions from the proper authority. I move that the Bill be referred to a Select Committee consisting of the following persons :—

1. *Rajyasevanirata* S. Chattanatha Karayalar
2. Mr. C. S. Lakshmana Aiyar
3. Mr. Kadakkavoor P. Madhavan
4. Mr. P. S. Nataraja Pillai
5. Srimathy T. Narayani Amma
6. Mr. A. Nesamony
7. Mr. V. Sreedharan Pillai
8. Mr. M. K. Mahomed

The motion was put and carried.

THE TRAVANCORE TRADE BOARDS BILL.

MR. K. G. KUNJUKRISHNA PILLAI : Sir, I rise to introduce the Travancore Trade Boards Bill. I move that the Bill be read in the Assembly.

MR. S. NARAYANA AIYAR : I second it.

MR. K. G. KUNJUKRISHNA PILLAI: As has been explained in the Statement of Objects and Reasons, this Bill has been necessitated by the conclusions of the Board constituted by the Government to investigate the conditions of labour in the State. Those conclusions have been supported by the business interests in Alleppey and also by accredited labour leaders. The main object of the Bill is to form a Committee or a constitution under which wages in a particular trade or in a particular branch of trade or in particular classes of trade will be fixed from time to time according to the conditions then prevailing in the trade. Provision is also made for the constitution and procedure of the Board and also for appeals to Government and other allied matters. This procedure, I may add, has been adopted no where else in India. I have, therefore, drawn the Bill on the lines of the Act in England. There are two Acts in England,—of the year 1909 and 1918. I have drawn, as I said before, mainly on the English Acts and I hope the Bill will commend itself to this House.

MR. PULIYOOR T. P. VELAYUDHAN PILLAI: I have very great pleasure in supporting the principle of the Travancore Trade Boards Bill especially on account of the fact that we are not copying this piece of legislation at least from British India. It is significant to note that even though more than 35 years have elapsed after the promulgation of the Trade Boards Act in Great Britan, similar enactments have not yet been passed in British India. This fact is, therefore, likely to create suspicion in our minds as to whether it is not premature for us to embark upon such legislation at present.

Sir, the Board constituted by Government to enquire into and investigate the labour conditions in Travancore have recommended to Government the desirability of the constitution of Trade Boards in Travancore. Similarly several Labour Associations and Unions also

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have urged upon Government the necessity of a law for the purpose. I have carefully gone through the provisions contained in the Bill and I am sure that this Bill will go a great way to put a stop to the labour disputes which are of frequent occurrence in Travancore, due to the dissatisfaction of the labourers which very often results in strikes and lockouts. Judged from the existence and scope of several labour legislations in Travancore, I think it will only be in the fitness of things if we enact the Trade Boards Act as well in Travancore. The important provisions contained in the Bill are (1) the provision for the establishment and constitution of Trade Boards, (2) provision for the fixation, cancellation and variation of the minimum rates of wages for workers engaged in such trades, (3) provision for punishment for the violation of such laws and (4) provision for the dissolution of trade boards once established and so forth. When a trade board is dissolved the functions and duties of such board will be entrusted to such authority as Government may appoint in this behalf. With these observations, I support the principle of the Travancore Trade Boards Bill.

MR. J. E. A. PEREIRA (*Commerce and Industry, South*): Sir, I most heartily welcome the general principle underlying this Bill. Both in my representative capacity as well as in my individual capacity, as I happen to employ workers between 500 and 2000 per diem, and even more as and when the occasion demands, I agree with the Bill before the House. As I understand, the main object of the Bill is to regulate the wages. We are passing through very hard and uncertain times and as such one would like to be advised by a Committee as regards the criterion for standard wages. No capitalist is worth the name, if he does not care for the welfare of labour. Personally, I am prepared to give a square deal to the labourer and as such I welcome this measure. I find the Board is empowered to make necessary changes as and when required. That is to say, to increase, reduce, amend or alter the standard of wages and as such, it is a wholesome provision both for labourers and employers. I welcome the Bill for another pleasing feature in that we are giving lead in this matter also as was done in very many directions. With these words, I support the general principle of the Bill.

MR. K. K. CHELLAPPAN PILLAI: Sir, in rising to support the introduction of a Bill of this kind I may just say a few points which may be necessary so that the purpose of the Bill may not be defeated. I know that this Bill is for fixing the wages and thereby improving the conditions of labour. According to the Bill, the definition of "trade" does not include the case of an agricultural labourer, except one engaged in plantations. I urge on the Government to see that this class of agricultural labour is included, because, the big land owners who cultivate paddy and other things employ labour numbering so many and therefore their condition also must be looked into. Then the Board is to consist of a Chairman and members, two from among the employer community and two to represent the workers and their trade. They are to be nominated by Government, but in my opinion, it will be better if they are elected by the labour unions or labour workers.

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PRESIDENT: Are there not many Labour Unions in the State?

MR. K. K. CHELLAPPAN PILLAI: There may be many Labour Unions but in each place a Board may be constituted and the members of the Board may be elected. That is my suggestion. In the matter of varying the rates, employer alone is put as the authority to move the Board. That is not a wholesome provision.

MR. K. G. KUNJUKRISHNA PILLAI: In certain cases it is provided that a labourer can move the board for varying his wages.

MR. K. K. CHELLAPPAN PILLAI: I beg to submit that the Board may be empowered to consider any representation from any labourer for changing his rates. With regard to wages—

MR. K. G. KUNJUKRISHNA PILLAI: In certain specific cases an employer has been given a special concession to move the Board. Generally speaking, anybody can move the Board for a change in wages and the Board is competent to consider that.

MR. K. K. CHELLAPPAN PILLAI: What I want to say is that a labourer should be given an opportunity to move the Board in respect of wages. With regard to prosecutions, a more salutary provision is needed to safeguard the interest of the labourers. Summary trials alone will suit the labourer, because he cannot usually benefit out of the protracted proceedings of the Courts, while the employer is placed at a very advantageous position at present.

MR. T. K. NARAYANA PILLAI (*Neyyattinkara* cum *Trivandrum*): Sir, on behalf of my party I accept the general principle contained in the Bill and since the matter will be discussed at length in the select committee, I do not propose to discuss the matter now.

RAJYASEVANIRATA S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): Sir, I rise to support the general principle of the Bill. The Legal Remembrancer said at the very outset that this Bill is drawn on the lines of the British Trade Boards Acts of 1909 and 1918. Sir, it will, I think, be useful to bear in mind the history and the scope of these Acts in England. Sir, the scope of the original Act of 1909 was restricted only to four specified trades and later on by the Act of 1918, the scope was enlarged to make it applicable to certain other specified trades. I shall point out what the nature of the trades are and why the Acts were intended to be made applicable to them. The trades are aerated waters, boot polish, button manufacture, boot and other repairs, grocery, provisions etc. It is trades of this nature, unorganised small-scale trades that were brought within the ambit of the British legislation. It is therefore very necessary to keep these facts in mind, in order to judge the nature of the trades to which we should make our Bill applicable. I am mentioning this for the purpose of drawing the attention of the House to the fact that the scope of the Bill as placed before the House is much wider than that of the British Acts. Why I am saying this is because I know that the Bill is intended to be made applicable to big industrial establishments and plantations also. These are not the kinds of trades to which the British Acts apply. That is a point which I want to impress upon this House.

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Then, coming to the provisions of this Bill, clause 6 of the Bill is the central provision round which the whole machinery of the Bill revolves. This provides for the compulsory fixation of "a general minimum time rate" and that the Board may at their discretion fix what are called "a general minimum piece rate", "a guaranteed time rate" and "an over-time rate". Sir, this is the main provision in this Bill. Let us just consider whether it is necessary to have a provision like this. I ask whether any trade disputes have arisen in Travancore because of the nonfixation of a minimum rate. Mr. Velayudhan Pillai stated that labour strikes and lockouts have all been caused by the want of such a provision. But as I understand the situation, it appears that trade disputes have occurred chiefly because of an agitation on the part of the workers that the standard of wages was not as high as they expected. If any dispute has arisen on the question of a minimum wage, I can understand that a Bill of this nature is necessary. So far as I know, no case has been set up or made out that any dispute has arisen on account of nonfixation of a minimum wage. I am of the opinion therefore that this Bill is unnecessary. I do not for a moment oppose the principle of the Bill. But in the interest of harmony between employer and worker, I have no objection to the principle of the Bill being accepted. My own view is that no dispute has arisen for want of such a provision so far. It is these points that I want to urge on the attention of the House in connection with this Bill.

MR. V. GANGADHARAN NAIR (*Quilon cum Kottarakara*): Sir, I have great pleasure to lend my support to this Bill. The proposed Bill is the most progressive legislation in the whole labour world in India. In view of the large number of trade disputes arising on account of the demand for increase of wages on the part of the workers, I think an institution of a wage fixing machinery as envisaged in the Bill is an essential thing for this country. There is demand on the part of workers for fixing the minimum wages and so it is only in the fitness of things that the Bill has envisaged to institute a wage fixing machinery like this. With these words I support the principle of the Bill.

MR. K. C. KARUNAKARAN (*Nominated*): I rise to support the principle of the Bill. It is really gratifying to note that Travancore takes such a liberal attitude towards labour legislation.

Although Great Britain in 1894 was more progressive and advanced in industry and commerce and in all the social legislations, the lead for introduction of legislation of trade boards and the establishment of trade boards was taken up by the colony of Victoria in Australia. Great Britain took fifteen years for putting into the Statute Book this legislation with regard to the establishment of trade boards. Even then, it was meant only for the tailoring industry where there were exceptionally very low wages, and it took another ten years for Great Britain, the most advanced industrial country in the world, to introduce legislation to cover other big industries. I am glad that as in the case of the Maternity Act, Travancore has taken a very big jump over the other advanced places in British India and other Indian States, in legislating

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[Mr. K. C. Karunakaran]

for these trade boards in Travancore. It is true as the Legal Remembrancer said that the representatives of the employers and the employees, separately and unitedly, approached the Government for legislating for the establishment of trade boards; but on one condition, which condition has been totally forgotten in getting up this Bill. What we said was that trade boards must be established for putting an end to the trade disputes in the country. We never said that the Government should make any differentiation between the industries in the same industry. According to this Bill under the definition clause it is given that a factory means a factory as defined in clause 'j' of Section 2 of the Travancore Factories Act VIII of 1114. Under this definition only factories where twenty and more persons are employed with some kind of power, are included. But if you study the question well, you will see that especially after that voluntary institution, I mean the Industrial Relations Committee, came into existence, no disputes have taken place in the factories coming under this definition. All these disputes, including even the ones which are occurring now, are taking place in factories which do not come within the purview of this Bill. Sir, what I would therefore point out is that it is with this idea that employers and employees jointly recommended for the introduction of this Bill. So I say that the scope of this Bill is very limited and I wish the Government includes all the factories for the purpose of the Wage Boards Act.

Then another important point to which I want to draw the attention of Government is as my friend Mr. Chellappan Pillai pointed out, and if my memory serves correct, in the British Trade Boards Act of 1918, it was not stipulated that an officer of His Majesty's Service would be the Chairman. The Board of Trade or the Ministry of Labour in England can appoint any man as the Chairman of the Board. It was part of my course, while at Birmingham, to attend to these Trade Board meetings, and my professor was the Chairman of the Board. Therefore I wish the Government will not insist upon having an officer of the Government as the chairman. The Government can appoint as the chairman either one of their officers or a non-official. And it would be better, speaking from my own experience of the Industrial Relations Committee, which is operating in Travancore for the last three years, to leave the election of the chairman to the four members of the Board, two representing the employers and two representing the employees. They may elect a chairman from the industrial class or from among the officers of the Government or any other outsider.

PRESIDENT: That is a matter which you may take up in the Select Committee.

MR. K. C. KARUNAKARAN: Another important point I have to bring to the notice of Government is the answer given by the Director of Industries to an interpellation of an honourable member. He asked whether Government have done anything for standardising wages as a result of the recommendations of the Industrial Relations Committee and the Director of Industries on behalf of Government said that the establishment of these trade boards would meet the situation. But

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there is really a difference between the standardisation of wages which depends upon the standardisation of the articles produced by manufacture, which, in turn, depends upon the standardisation of the raw materials. Here the aim is to examine the present wage system and see what really the minimum wage is ; in other words to see whether exceptionally low wages are prevailing in any industry or groups of industries and the trade boards are empowered to examine this in order to arrive at a minimum wage. I am afraid we will then be put into awful difficulties. This should be applied only to find out the minimum wages in industries where exceptionally low wages are prevailing.

Another point is that this Bill has nothing to do whatsoever with the basic wages which we have adopted by mutual understanding. These Trade Boards are not going to touch the basic wages which were prevailing in various industries in Travancore before the outbreak of the war ; it was with this understanding that we have been very liberal, that we have been going out of our way to agree for the payment of 62½ per cent. of war allowance on the basis of the pre-war basic rates. There is a move now, after the publication of this Bill, to demand the alteration in the basic wages. That should not be made possible, and if that is to be done the employer would be agreeable only on this basis, *viz.* that the 62½ per cent. dearness allowance which we are paying now should be re-examined in the light of the new standards. With these few words I support the Bill.

MR. P. N. KRISHNA PILLAI (*Co-opted*): Sir, I may, at the very outset, thank the Government for associating a representative of organised labour for the consideration of this all important labour legislation. But I will be failing in my duty, Sir, if I do not submit that the contribution from labour to this legislation would have been very much greater if normal full representation was afforded to labour in this House. Of course I know that this is neither the forum nor the occasion to demand representation for labour in the legislature. But I wanted only to submit that the contribution of labour with full representation, would have been very much better even in the matter of labour legislation.

Now, coming to the provisions of this Bill, I may express that Labour has great pleasure to accord its general support to the principles of this Bill. As was pointed out, this is a legislation which is based on the Trade Boards Act of 1909 and 1918 obtaining in Great Britain. And in India, Sir, we have yet to see such a legislation either in an Indian State or Indian province. We are of course, very progressive in the matter of labour legislation. But what I want to add is that there is no effective enforcing of that legislation and there is no adequate machinery for implementing the various provisions of the various Labour Acts that are on the Statute Book in Travancore.

With regard to the history of a wage fixing machinery in India, I may submit that the International Labour Conference of 1928, if I remember correct, passed a convention to the effect that the wage fixing machineries should be instituted in industries where the standard of

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[Mr. P. N. Krishna Pillai.]

living of the workers is extremely low. The Government of India did not ratify that convention and the Central Legislature, while endorsing the view of the Government of India added the rider to the resolution that it would await the Whitley Commission Report. The Whitley Commission was then investigating the condition of Labour at that time. The Royal Commission on Labour had thought about this question and were not very much optimistic in having a wage fixing machinery for the various industries in India. Of course it recommended that in such backward industries where the workers are employed on sweated labour such as beedi factories or the tanning industry or even the Assam plantations, some wage fixing machinery may be instituted. That was the Whitley Commission's Report. After that though the various recommendations were implemented by legislation by the Government of India, this has not yet been taken up. But I know this matter is engaging the attention of the Government of India because, as I submitted, the Labour Investigation Committee is considering the Wage fixing machinery, and if I may take this House into confidence, a memorandum is to be sent by the All-India Trade Union Congress strongly urging that wage fixing machinery on the lines of the British Trade Boards Act may be constituted in India as well. I am really glad that we have stolen a march over the rest of India in the matter of this wholesome social legislation. With regard to the Travancore Labour Inquiry Committee which was referred to by the honourable Legal Remembrancer, generally known as the George Committee, in which I had the privilege to serve as a member, the Committee had recommended that a wage fixing machinery on the lines of the trade boards of Britain may be brought into effect in Travancore. Both the Chambers of commerce, the Travancore Chamber of Commerce, as well as the Alleppey Chamber of Commerce, supported that view, and that found a place in the report of the Committee,—only their demand was that industries other than the coir industry should also be affected by this legislation. My honourable friend Mr. Karunakaran said that it has absolutely nothing to do with the standardisation of wages. I do admit that the standardisation of wages will have to be tackled separately. But any sort of standardisation of wages involved, inevitably, the fixing of the minimum wages. That is the view of the Travancore Chamber of Commerce stated in their memorandum before the Committee which was referred to by the Legal Remembrancer. We have therefore received support on all sides for this legislation and on behalf of Labour I have very great pleasure to support the general principles of this Bill. I am very much thankful to the honourable member the secretary of the Chamber of Commerce for reminding me that the scope of the Act is very much limited.

According to the definition in clause 2 (*e*) 'trade' includes a factory, industrial establishment, mine or plantation or any other business which Our Government may, from time to time, by notification in Our Government Gazette declare. Again 'factory' is defined as having the same meaning as a factory under the Travancore Factories

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Act. It is the usual slogan of the labour representative that the definition has to be widened. With regard to this particular Act, it will be well if all concerned remember that the object of this Act is not to protect such strong industries where workers are united or in a position to collectively bargain. The position in England is to help such industries as the card-board industry and the tailoring industry where the workers are not in a strong position. But here in small factories workers are very weak and they want help from Government. So the very object of the Bill will be frustrated if the definition is retained. What the Whitley Commission recommended was that it is in weak industries where the wage fixing machinery should be constituted. I would humbly submit that the Government will see its way to endorse the amendment pointed out both by the employers' representative and the labour representative. Many of the cashewnut factories do not come under the Factories Act where the working conditions are very bad. If those workers are to be left out and the coir factory workers in Shertallai and suburbs of Alleppey are to be left out this legislation will be of no use to a large number of poor workers. I do not think my honourable friend Mr. Velayudhan, the president of the Coir Cottage Industries Association will have any objection to accept that amendment. Where the workers are in a very unorganised state, my humble submission is that the Bill should be really made applicable. If the object of the Bill is to be achieved at all, the scope of the Bill ought to be widened.

MR. P. S. MAHOMED (*Nominated*): സർ, കാഷ്യൂ ഇൻഡസ്ട്രിയുടെ പരിധിയിൽ ഇവരെക്കൂടി ഉൾപ്പെടുത്തണമെന്നാണോ ബഹു. മെമ്പറുടെ അഭിപ്രായം?

MR. P. N. KRISHNA PILLAI: Everything depends upon the definition of 'Cottage industries'. There are in Shertallai hundreds of workers in factories which are not using power and therefore coming under the name of 'cottage industries'.

The object of this Bill is not to fix the basic wages but only to fix the minimum wage. The honourable Deputy President pointing out clause 6, asked whether there has been any trade dispute because the minimum wage was not fixed. Of course, there were disputes on that account. The question is not whether there is a trade dispute or not. It is the duty of the State and Society to help weak and unorganised labour. It is the duty of the State to see that a healthy standard of life is maintained by the unorganised labour. It should not be taken that this legislation is intended to conciliate disputes. It is a social legislation intended to raise the standard of life of the poor workers. My humble submission is that the ambit of the Act should be so widened as to include the small industries.

I may not be in order in going into the details of the Bill at this stage, but I may be permitted to point out certain salient facts. With regard to the constitution of Boards in England, no specific number is fixed. I have no objection in having specific numbers fixed. But

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[Mr. P. N. Krishna Pillai.]

where there is a Trade Union, as was pointed by an honourable member of this House, the Trade Union should be given the option to have an elected representative in the Board. In England, by an amendment in 1918 it was provided that the representation may be by election or nomination or by both election and nomination, so that the real representatives of labour may find a place in the Board.

PRESIDENT: As a matter of fact in the tailoring trade even now the member is a nominated member.

MR. P. N. KRISHNA PILLAI: That may be because there is no strong Union to represent the tailors. I wish to point out that where there are Unions to represent the labour, their representatives may be chosen to the Board.

With regard to the question of representation of women, the option is given to the Government in trades where large numbers of women are employed to nominate a woman. In England it is imperative on the Government to nominate a woman on the Board in the case of trades where a large number of women are employed. In the case of the Cashewnut industries and similar industries where women are largely employed, it is highly necessary to nominate a woman.

With regard to the other provisions of the Act, it was pointed out that it was only on the representation of the employer that a wage can be fixed. That is not so. It is only to fix a special minimum piece rate that the employer has to move. Any worker can move for the fixation of the minimum wage. According to the Trade Boards Act in Great Britain, the Minister of Labour is more or less bound to act on the report made by the Board within one month. Here the proviso to clause 9 says that the Government may for reasons to be recorded in writing decline to act on the recommendation of the Board. Except in special circumstances, the Minister of Labour is bound to act upon the report of the Board within one month under the Trade Boards Act in Great Britain, so that the recommendation of the representatives of Labour and employer may be implemented. Another feature of the Bill is that according to clause 9 (5) a minimum wage fixed comes into operation only subsequent to the order of Government. But in the Industrial Relations Committee, to which Mr. Karunakaran referred, the accepted convention is that though the decision may be made subsequently, the altered wages come into force from the time when labour demanded for the same.

MR. M. L. JANARDHANA PILLAI: Question.

MR. P. N. KRISHNA PILLAI: Sir, there are instances such as the one in which wages were settled for saleeta matting. That is a healthy convention. I leave the whole matter to be considered by the Select Committee. I only want to point out the salient factors to be considered at this stage.

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I would next refer to the very wholesome provision made in clause 16, to the effect that a worker who is waiting within the premises of the factory should be given wages for the period he has waited. It is only justice and fair play that he should be given his wages. If due to the failure of power or other causes the work ceases, the worker has no alternative to go elsewhere and work so that he ought to be given his wage for the day.

MR. K. C. KARUNAKARAN: If the power fails, is it the fault of the employer?

MR. P. N. KRISHNA PILLAI: It may not be anybody's fault. The employee is in a weaker position. It is not a very great thing for those employers who are making very good profit.

With regard to the provision for the penalties, I endorse the views of Mr. Chellappan Pillai that provision should be made for summary proceedings. It is so under the British Act. It ought to be embodied in our Act also. With these general observations, I support the general principle of the Bill. I may also add that in the days after the war a complete reconstruction of society will be necessary rather than this piecemeal labour legislation. Great Britain is contemplating the Beveredge plan, and the Government of India have appointed the Rege Committee to investigate into labour problem. While accepting this Bill, I hope that the Government will put forward their schemes of social reconstruction for the benefit of the masses of the country.

With regard to agricultural wages referred to, I have absolutely no objection to include the same in this Bill. In England it is done by a different Act, that is by the Agricultural Wage Boards Act. In England, there is another legislation enacted in 1938, that is the Holidays with Pay Act. A duty is assigned to the Trade Boards under that Act. These Boards may fix the minimum number of holidays with pay for the workers. Here that is a bone of contention between employers and employees in some industries. It may not be in the coir industry but in the textile industry there is contention. I do not think there is any necessity for a separate legislation on that matter. The Trade Boards can be empowered to fix the minimum number of holidays with pay whenever it is necessary and whenever that matter is taken into consideration. With these few words, I support the general principles of the Bill.

MR. M. L. JANARDHANA PILLAI: Sir, I am very glad to say that the employers welcome the principles of this Bill. The Travancore Coir Mats and Matting Association which represents the largest organised industry in Travancore, have accepted the principles contained in the Bill. The Committee appointed by Government to enquire into the disputes in the coir mats and matting industry, familiarly known as the George Committee, has also made recommendations supporting the principles of this Bill. In fact the Commttee has strongly advocated the introduction of such a measure. The employer has also agreed to this view of the George Committee Report. Therefore, it will be seen that the employer is anxious to do his best to labour. This Bill has

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[Mr. M. L. Janardhana Pillai.]

certainly come in proper time, because during the last seven years a good number of labour legislations has come into the statute book which will certainly bring credit to any modern administration. By adopting such a course much of the troubles, strikes, lock-outs and other unpleasant incidents have been avoided. I may also claim that the good intentions of Government were certainly accepted by the employers as a body. We did not lack in our earnestness to implement the efforts of the Government in that direction. This Bill is intended to provide for the establishment of Trade Boards for certain trades and to regulate and fix the payment of wages to workers in such trades. It extends to the whole of Travancore. Therefore it deserves the special thanks of both the labour and the employers. But at the same time I have to point out one particular matter for the information of Government and the House. If this labour legislation is passed the Wages Board will operate in areas where factories are in abundance and where factories come within the purview of the Factories Act. At the same time, two or three miles away from towns there are a number of factories which do not come within the purview of the Factories Act. If this Bill is not made applicable to those factories also there is likelihood of difference in the wages between these two sets of factories. When it is remembered that the manufactured products of both the factories are to be sold in the same market the difficulty will be clearly evident to the Government. I find that power is also given to Government to exempt certain factories from the operation of this Act. The Bill says :—

> "If at any time Our Government are satisfied that the conditions of employment in a trade or a class of trades or in any branch of work in a trade to which this Act applies have been so altered as to render the application of this Act to the said trade, class of trades or branch of work in the trade unnecessary, they may, by notification in Our Government Gazette, exempt such trade class of trades or branch of work in the trade for such periods and subject to such conditions as they may think fit to impose."

I congratulate the Government on the directions they have already made in providing this clause in the Bill. As time goes on and under different conditions it may be possible for the Government to make a distinction as to where the law has to be enforced and where the law need not be enforced. It is therefore in the interest of both the labour and the industry as a whole that Government should provide themselves with this power. All these provisions surely go to improve the usefulness of this Bill for labour. Therefore, the industry feels that it is helpful both to the labour and the employer, particularly at this moment when there is an attempt on the part of labour to get both the employers and the Government to concede somehow or other to the necessity of altering the rate of basic wages that were in existence during the last twentyfive or thirty years. We have already given 62½ per cent war allowance and the present attempt of labour, I am afraid, is to see that through this legislation and other methods this 62½ percentage war allowance is made permanent and that over and above this to ask for an enhancement of the basic wages. That will

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be the thin end of the wedge. We are only at the beginning stage of the industrialisation of the country. There is an industrial awakening in the country and we should realise that the Government are one with us in meeting all the possible requirements necessary for such an advancement. Therefore we should be very very careful in enacting any legislation. We should not kill the goose that lays the golden egg. Sir Homy Mody in 1942 speaking in the Indian Legislative Assembly on the Payment of Wages Bill did say that many industries were migrating to Indian States because such Acts were not in the Statute Books of those States. We can read between the lines. So we have to be very very careful before we proceed in the direction in which I have just now been trying to indicate. From the Bill I find that every Board is given power to frame rules and fix minimum wages. Sir, on behalf of all interests I must thank the Government for bring ing in this provision in the Bill. This provision will practically make it impossible for declaring strikes and lock-outs. The Board has power to fix a minimum wage rate also. There is one difficulty in accepting the minimum wage rate. Nobody can quarrel with the principle. But what about the wilful idler? How can we expect him to do his work on a piece-work basis when he is guaranteed by an Act to a certain minimum wage? That is a real difficulty which should engage the attention of the House. My friend, Mr. P. N. Krishna Pillai pointed out that under Section 16 any man who is found inside the premises of a factory, howsoever he might have got into it can claim his wages at the end of the day. I want the House to seriously consider this aspect of the question. Usually there is only one watcher at the gate of a factory. Any man may get into the factory without being noticed by the watcher; in fact many such cases have happened. It may be that work may not be ready for him, due to some difficulty. The worker can slowly get into the factory without the knowledge of the watcher or the manager and sleep in some obscure corner and at the end of the day ask 'come on, give me my wages or I am going to create trouble'. And the Union will come and ask wages on his behalf and generally support the labourer.

MR. P. N. KRISHNA PILLAI: May I point out to the honourable member that there is provision for the employer to prove that the worker was present without the employer's consent?

MR. M. L. JANARDANA PILLAI: Yes, but then he will have to go to a court of law to prove it. The number of employees in a factory is certainly larger than the number of employers who will be only one or two. Honourable members can imagine how difficult it is to adduce proof that the man entered the premises without the knowledge of the employer. The difficulty is very great when it is remembered that that worker might be a permanent worker of that factory, working on piece-work basis. Under Section 13 (1) both the employer and the agent can be brought under the provisions of the law and prosecuted.

MR. PULIYOOR T. P. VELAYUDHAN PILLAI: Is there not a provision by which the employer can prove that it is not due to his fault but due to the fault of his agent?

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MR. M. L. JANARDANA PILLAI: Yes, there again the employer must prove it in a court of law. I do not know why for a simple fault of making even an arithmetical mistake in the payment of wages there should be so much of prosecution and punishment provided under this legislation. I can understand if the employer is asked to pay double or 1½ times the amount. But why should he be unnecessarily prosecuted? If he is prosecuted he must answer the charges in a court of law. It will be costly and vexatious for the employer to prove all those things. In the course of the discussion it was pointed out that the Chairman of the Board must be elected. That is the last thing which the employers will accept. Whatever may be the complaints about Government and their officers, we certainly expect better justice from an officer nominated by Government. I have no objection in Government nominating a woman member to the Board. But whether it is man or women, the number in the Board shall certainly be just the same as that allotted for the employers. It cannot be more than that. Conditions in Travancore are certainly different from those in England. It is certainly good on the part of Government to come forward with a legislation of this kind. I find that power is given to an officer to initiate the prosecution against the employer. That power to sanction prosecution should certainly vest with Government and nobody should be given the power to take the initiative to conduct such proceedings. If I do not mention these things here which certainly affect the employers as a whole, I may probably be in a difficulty in the Select Committee. Therefore, I bring these facts to the notice of the Government. Again, I have pointed out that under certain provisions, the employer has to be punished for all these mistakes or errors. All the provisions make it imperative that the *employer* must be punished. May I ask one question, Sir? In all these labour Acts for every offence, even if they are trivial, the employer can be prosecuted. But what about labour? No punishment is provided even for all his misdeeds. Government also seem to be slowly yielding year after year to labour at the expense of the employer. The result is likely to be that if the interests of the employers also are not safeguarded by Government, the employers will cease to exist in this country.

MR. K. G. KUNJUKRISHNA PILLAI: In view of the discussion that has taken place on the floor of the House, may I be permitted to make clear one or two points? At the outset, I must state the sure test of the necessity of the Bill is in the equal opposition of the employer and the employee exhibited on the floor of the House. I am gratified that on the whole, the principle of the Bill has been approved by the House consisting as it does of radical employees and conservative employers. Sir, I may be permitted to point out that a large number of points raised during the discussion may be discussed and threshed out in the Select Committee stage. But I may make one or two observations. The honourable Deputy President said two things which I consider are of importance. He said that there was no demand for the Bill, because there were not many disputes which justified the introduction of a Bill by the Government.

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RAJYASEVANIRATA S. CHATTANATHA KARAYALAR: I said that there was no case.

MR. K. G. KUNJUKRISHNA PILLAI: I accept the explanation. It does not improve matters. I am not speaking about conditions existing in British India or England. In Travancore at the earnest request of employers and employees a Committee was appointed by Government to go into the question of disputes which occurred from time to time and which practically brought a very thriving industry to a standstill. That Committee unanimously recommended that a Bill of this nature should be introduced. May I be permitted to read one or two sentences from the report of Committee to justify the assertions that I am making. The Committee in their report—Chapter III—page 103 says as follows :—

> "One of the most outstanding features of the wage system obtaining in the industry is the striking disparity in the rates for the same type of work... .....In our opinion wide disparities in wages paid to workers are a potential source of danger to peace in any industry. It does not appear that there has ever been any attempt made in the past to bring about a standardisation of wage rates prevailing in the industry.... ..... We realise the technical difficulties involved, but we are not inclined to regard them as altogether insuperable"

Further down we find :

> "The standardisation of the rates of wages will necessarily involve some form of minimum wage fixation. This has been admitted by several of the manufacturers who have given evidence or sent replies to our questionnaire and also by the two Chambers of Commerce in Alleppey"

They uniformly recommended that legislation should be introduced. Further, the Travancore Mats and Matting Manufactures' Association requested the Government to introduce legislation for the purpose, and the facts before me go to show that an insistent demand has been made from time to time. In fact, I must place before the House the fact that I have been more than once reminded that a Bill on this matter was overdue.

The second point which I want to stress is with regard to the scope of the Bill. On that matter the honourable Deputy President pointed out that in England, it is the minor industries that are affected. It is certainly not so. There are certain well-established industries with labour unions where the question does not arise, but if the honourable members would look into the schedule given in Halsbury, they will find that it affects a very large number of industries. The schedule is so large that I cannot read it in a very short time. So, it is not correct to say that in England it does not affect the main industries.

Another point on which I appreciated the criticisms of the honourable members is with regard to the definition of the term "factory". It was pointed out that the definition of the term "factory" is likely to exclude a large number of industries where this protection is necessary. But may I point out that the term "factory" as is defined here is the definition copied from the Factories Act. In the

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Factories Act, there is a provision which enables Government from time to time to declare any industry or any establishment to be a factory.

MR. P. N. KRISHNA PILLAI: May I know how many establishments have been declared as "factories" under the Factories Act?

MR. K. G. KUNJUKRISHNA PILLAI: I am unable to answer that question. I am stating only the law and not the application of the law. Along with that definition, there is a provision in the Factories Act which enables the Government from time to time to bring any institution under the term "factory." Again, taking the definition of the term "industrial establishment", it will be seen that it has been defined as "motor vehicles service, dock, wharf, jetty, inland steam vessel, quarry or oil-field other than a mine, plantation, workshop or other establishment in which articles are produced or manufactured with a view to their use, transport or sale." I particularly want the honourable members of the House to direct their attention to clause (f). If there is any possibility of any important trade or industry being left out, it is open to the Select Committee on a discussion of the matter to make a change of definition so as to include them. But I do not think that there is a possibility of any important group of workers of any trade being left out of the scope of the Bill.

MR. K. K. CHELLAPPAN PILLAI: May I know whether the agricultural workers, employed other than in plantations, come under this clause?

MR. K. G KUNJUKRISHNA PILLAI: They have been definitely left out of consideration, for the simple reason that so far as we are aware there has not yet been brought to the notice of Government any class of agricultural workers constituted as one unit in the country. I have not heard of a union of agricultural workers either in Mavelikara or in Kottayam or in Trivandrum. Of course there are a large number of agricultural workers in the State, but the point is that they must form themselves into a union or a class of trade or a business.

MR. P. N. KRISHNA PILLAI: May I know from the honourable member whether he is aware that there is a "Kuttanad Agricultural Workers' Union?"

MR. K. G. KUNJUKRISHNA PILLAI: I am not aware, and I thank the honourable member for having brought that point to my notice. But I know that there is an agricultural association in Kuttanad. I did not know that there was a separate agricultural workers' organization.

MR. K. K. CHELLAPPAN PILLAI: Am I to take that the other agricultural workers must be entirely left out of the picture?

MR. K. G. KUNJUKRISHNA PILLAI: They may be included in the picture, but what I was saying was that for the application of the principles of the Bill, it was not enough if there were only individual workers in the State; the workers must be organized under a trade or a business on which the Board could exercise its influence and authority.

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MR. A. K. BHASKER (*Quilon* cum *Kottarakkarai*): May I understand that these agricultural labourers have to collect themselves and agitate for it ?

MR. K. G. KUNJUKRISHNA PILLAI: They may do so if they like. My point is that it is impracticable to frame a Bill without knowing the basis on which we should proceed. I may also add that if there is a collection of agricultural labourers, it will not be impossible for them to come under one of these definitions of the term "factory" "industrial establishment" or "trade"; futher, will it not be possible for the Select Committee to include them if they think that a large number of agricultural workers in the State should be given the benefit of the protection under the Act ?

MR. PULIYOOR T. P. VELAYUDHAN PILLAI: May I know from the Legal Remembrancer whether in the English Act of 1909 and 1918, the agricultural workers were brought within the ambit of .....

PRESIDENT: The whole trend of legislation in England proceeded on different lines. I do not think it has been sufficiently borne in mind that the legislation of 1909 and 1918 was originally introduced because—probably one or two in this honourable House may be aware of that—it was taken for granted and it was proved that certain rich gentlemen of Jewish nationality were conducting retail trade in tailoring and in ready-made suits and were using sweated labour, mainly English, Polish and Slav labour, at rates which were ruinous to the ordinary labourer in England. It was part of what may be called a racial legislation at the inception. Afterwards, as the legislation proceeded, it was extended and certain extra items were also brought into the legislation. But those who may have any remembrance of what took place in 1909 and 1918 and those who may be aware,—probably Mr. Tolson is aware—of the result of the Cohen Case, know that it was largely restricted in scope. It was gradually extended afterwards, but there was a question that arose later on about agricultural labour and there has been special legislation in England about agricultural labour under certain very specific conditions which may be studied by the honourable members who are insistent on that. Honourable members, before they go further into the question—I am not here curtailing or restricting the scope of work of the Select Committee which will work on a matter of this kind and have much liberty—will necessarily admit that the conditions of agricultural labour differ from locality to locality and from one category to another. Plantations may stand on one footing. Large-scale agricultural labour where 50 or 100 acres are dealt with, may stand on a different footing. Labour, where the owner of the plot or his relations or his immediate dependants or a few retailers and also a certain proportion of hired labour work on plots of one or two acres may stand on a separate footing. The whole question of what may be called the regulation of a basic or a minimum wage in case of agricultural labour demands very careful attention and investigation, and I am perfectly willing, if I find there is a general demand for that investigation, to inaugurate that investigation. But I would, without making any remark which will handicap

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[President]

the efforts of the Select Committee on this Bill, ask the Select Committee to ponder carefully over the possibilities of extending the scope of the Bill to agricultural labour which necessarily has to be governed by specific conditions which do not appertain to or are appropriate to industrial labour.

MR. K. G. KUNJUKRISHNA PILLAI: I may also point out to this honourable House the definition of trade under clause (e) which says: "plantation or any other business which Government may, from time to time, by notification declare" etc., etc.

Having explained this, I may also state that with regard to the constitution of the Committee, the Government are of the opinion that for the time being it must be presided over by an officer of Government and that the members be nominated. The whole thing may, of course, change later on, when the scheme develops.

The motion that the Bill be read in the Assembly was put and carried.

SECRETARY: The title of the Bill shall be "The Travancore Trade Boards Bill."

MR. K. G. KUNJUKRISHNA PILLAI: I move that the Bill be committed to a Select Committee consisting of the following members:—

1. *Rajyasevanirata* S. Ghattanatha Karayalar
2. Mr. V. K. Velayudhan.
3. „ V. Gangadharan Nair
4. „ Xavier Vincent
5. „ P. K. Kunju
6. „ P. N. Krishna Pillai
7. „ M. L. Janardana Pillai
8. „ K. C. Karunakaran
9. „ J. E. A. Pereira
10. „ A. R. Sulaiman Sait
11. „ J. W. Tolson
12. „ K. A. Mathew
13. „ V. S. Krishna Pillai
14. „ P. Udayabhanu

The motion was put and carried.

THE TRAVANCORE CHITTIES BILL.

MR. K. G. KUNJUKRISHNA PILLAI: Sir, I rise to introduce the Travancore Chitties Bill and move that the Bill be read in the House.

MR. S. NARAYANA AIYAR: I second it.

MR. K. G. KUNJUKRISHNA PILLAI: The Statement of Objects and Reasons gives in detail the object of the Bill. The Bill is intended to be a consolidating Act and to take the place of the existing Act.

MR. PULIYOOR T. P. VELAYUDHAN PILLAI: In rising to support the principle of the Chitties Bill I wish to make a few observations. Before coming to the consideration of the principles, I wish to know

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